THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.6279 of 2007

Date:12.04.2007

Between:

K.Venkateshwar Rao and others.

PETITIONERS

AND

The Sub-Registrar,
Nidamanoor, Nalgonda District.

---------RESPONDENT

ORDER:

Petitioners have purchased various extents of land in Sy.No.52 of Chinthalapalem Village, Nalgonda District. They presented the documents before the respondent for registration in the month of November 2006. Their grievance is that the documents have not been registered and released to them, as yet. It is alleged that neither any specific reason was furnished nor any proceedings were issued indicating the reasons.

The respondent filed a counter-affidavit. He states that the documents presented by petitioners 4 and 5 were registered on finding that the pattadar pass books and title deeds in respect of the said lands correct and genuine. It is stated that the genuinity of the pattadar pass books in respect of the lands covered by the documents presented by petitioners 1, 2, 3 and 6 was doubted. When the matter was referred to the Revenue Divisional Officer, Miryalaguda, certain discrepancies were pointed out, touching upon the very genuinity. He contends that since the pattadar pass books happen to be a valid basis for title, the matter is still under consideration.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The only basis, as evident from the counter-affidavit filed by the respondent, for not registering the documents presented by petitioners 1,2, 3 and 6, is that a communication is received by the Revenue Divisional Officer, Miryalaguda suggesting that the pattadar pass books for the said lands are not genuine. Assuming the same to be correct, the respondent cannot embark upon that enquiry. Even without presentation of pattadar pass books, an individual can submit the documents for transfer of the immovable property. The nature of enquiry that can be undertaken by a registering authority is prescribed under the Registration Act and the Rules made there under. For instance, Rule 26 of the A.P. Rules under the Registration Act, 1908 contains a list of the items to be verified by a registering authority before the document is admitted for registration. The registering authority is required to undertake verification of the Will, if presented as basis. As regards the others, the registering authority cannot embark any enquiry as to the genuinity of the link document. When the document does not bind strangers to it, the verification becomes virtually superfluous. At any rate, the registering authority cannot keep the matter pending indefinitely and if it finds any valid reason for not registering the documents, it has to communicate the same to the parties in writing.

For the foregoing reasons, the writ petition is allowed and the respondent is directed to examine the documents with reference to the provisions of the Registration Act and the Rules made there under and conclude the same, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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12.04.2007

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